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C O N F I D E N T I A L SECTION 01 OF 02 BANGKOK 001573

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DEPARTMENT FOR EAP, EAP/BCLTV, DRL. US PACOM FOR FPA HUSO.

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SUBJECT: THAI MFA PERMSEC SUMMONS THE AMBASSADOR OVER 2004

HUMAN RIGHTS REPORT

REF: BANGKOK 1527

Classified By: Ambassador Ralph L. Boyce. Reason 1.4 (b, d)

11. (C) Summary: Foreign Ministry (MFA) Permanent Secretary Krit Garnjana-Goonchorn told the Ambassador March 2 that the 2004 Human Right Report (HRR) on Thailand presented government actions (at Khru Se mosque and Tak Bai) in the deep South in a misleading light by failing to place them in the context of the separatist insurgency. He raised a few other specific "inaccuracies" and complained about the general methodology of the report. His main message, however, was that the RTG regards the HRR as "interference" and that it creates difficulties in the bilateral relationship. He said the MFA would try to limit the damage caused. MFA has by and large tried to play down the issue after calling in the Ambassador. Krit said MFA has advised PM Thaksin not to react publicly. End Summary.

12. (C) On March 2, the Ambassador was called in to the MFA by Permanent Secretary Krit Garnjana-Goonchorn over the Thailand chapter of the 2004 HRR. Krit said he wished to express the Royal Thai Government's deep unhappiness over some of the content of the HRR as well as the way release of the report had been handled. The report had hurt bilateral relations, he said, and he wanted to discuss with the Ambassador how to limit further damage. Krit was accompanied by MFA Americas Director General Nongnuth Petcharatana, Ministry spokesman Sihasak Puangketkaew and other Americas Department officials. Polcouns Clarke took notes for the Ambassador.

MFA ASSERTS HUMAN RIGHT REPORT IS FLAWED...

13. (C) Krit, referring to an article in the February 28 edition of the English-language newspaper The Nation which purported to preview the HRR, complained about "prior leakage." He assured the Ambassador that nobody at MFA was responsible. (Note: The Nation has hinted to us that its source was MFA which, while not in possession of an advance copy, had been well-briefed for months about major events at Khru Se mosque and Tak Bai that are condemned in the HRR. End note.) He also said that "members of Thai civil society" who had attended an Embassy meeting with NGO representatives and RTG officials about the HRR on March 1, were "dual capacity" and had provided quotes to the press. DG Nongnuth interjected her familiar objection that the U.S. should not be "PR'ing" its criticisms of human rights in Thailand. (Note: NGO reps did in fact accurately quote from the discussion, but primarily gave the press their reactions, generally favorable, to the HRR. End Note.)

14. (C) Krit said that he was aware the U.S. had been open over the past year to MFA explanations of human rights abuse incidents. However, it was the view of the RTG that our final 2004 Report had a "greatly reduced value" because of "fundamental flaws." These, he said, fell into two areas: 1) "misleading presentation," where an overall context of positive human rights developments in Thailand had been omitted or minimized; and 2) where the "unscientific nature" of the collection methodology resulted in assertions that were "off the mark."

15. (C) Krit offered several specific complaints. The opening pages of the HRR contain a number of sweeping generalizations, including about corruption. Many incidents may be committed by individuals, he said, but the implication is that the government was involved. Readers pick up unduly negative impressions from sections when they don't understand the background. Writing about the Khru Se mosque incident, for example, cannot be balanced without discussion of the violent insurgency that the RTG faces in the South. Peaceful handling the South is on the top of the Thai national agenda, Krit said. PM Thaksin had just established a National Reconciliation Commission headed by Anand Panyarachun, so the situation was not as static as portrayed in the HRR.

16. (C) Krit also raised a reference to the murder of a Pattani Court judge which seemed to suggest that he was killed by RTG authorities. He said that under common law there is a presumption of innocence until proven guilty, and this assertion with no attribution stepped over the line. (Note: The judge almost certainly was killed by anti-government gunmen. End note.) Further, Krit said that

under the "unlawful killings" section, the HRR had reported on deaths of persons from land mines. "How could deaths by landmines be classified as a human rights abuses and put in this section," he asked. (Note: The category is actually "Arbitrary or Unlawful Deprivation of Life," and inclusion of land mine death figures -- as arbitrary deaths -- is in the HRR drafting instructions. End Note.)

...AND DAMAGES U.S.-THAI RELATIONS

¶17. (C) Krit said that there certainly could be genuine differences of opinion about events, but the main thrust of his message to the Ambassador was RTG concern over what was seen as an unwarranted interference in the domestic affairs of Thailand. Thais, including the prime minister, did not understand why this was happening, especially in the period of post-tsunami cooperation. The "sudden" publication of the Human Rights Report had created difficulties for the bilateral relationship, he said. Krit said that the RTG wanted to avoid the "annual public spectacle" of release of the HRR, and would try to dampen public reaction against the U.S. in response to this year's report. The MFA would only note to the press that it had been in contact with the Ambassador about inaccuracies and asked for corrections. However, he added, this should not be understood as lessening the strength of the RTG concerns he had outlined.

¶18. (C) Spokesman Sihasak commented that the way that material in the HRR was organized was a problem. He suggested that if the U.S. had highlighted the government's efforts to promote people's economic well-being and fight trafficking that would have toned down the HRR. He shared his insight that the press and politicians were using the HRR against the government.

¶19. (C) The Ambassador said he would report RTG concerns about the HRR to Washington and would check on the specifics raised. He said that, while not wanting to sound at all defensive about the report, he regretted any inaccuracies that it might contain. He said that the HRR was mandated, and he had experienced sensitivities over it in every country where he had been posted. Every effort had been made, he said, to ensure factual accuracy and avoid subjective analysis. He pointed out, however, that even if Khru Se and Tak Bai had not occurred, human rights are a concern in our foreign policy and there would still have been a report.

HANDLING MEDIA COVERAGE

¶10. (C) The Ambassador told Krit that he sought the PermSec's guidance on how best to try to keep this "a one day crisis and not a five day crisis." He asked whether he would be facing photographers when he exited the MFA. Krit and Sihasak assured him that they did "not practice that kind of diplomacy." As the Ambassador left MFA, the press was in fact staked out to cover the departure. From March 3 news articles, the follow-on briefing that Sihasak gave to journalists apparently stuck largely to the theme that MFA had conveyed its concerns and asked for corrections, although Sihasak also provided some detail that Krit had not been happy about substance on the South and methodology. The Thai-language newspaper Matichon carried a front page picture over the headline, "The MFA deems the southern information one-sided, prods the Americans to improve it, and summons their big ambassador for acknowledgment," but coverage of the HRR was otherwise brief and buried in the inside pages of most newspapers on March 3.

MFA ADVICE TO THAKSIN: BEST NOT TO COMMENT PUBLICLY

¶11. (C) Krit telephoned the Ambassador on March 3 to touch base and apologize for the press presence, explaining they had been there for another purpose. He was pleased that the media had played the "summoning in" story in a generally straight-forward manner. The Ambassador noted that Prime Minister Thaksin remained quiet on the issue, and Krit responded that MFA had sent him a memo immediately after the March 2 meeting providing advice in that vein.

¶12. (C) Comment: Krit is fully aware that the HRR is a mandated annual report. The inaccuracies he raised are debatable, as is the issue of whether our coverage of Khru Se and Tak Bai needs any more context than is already provided in the report. While the specific Thai complaints in our view do not warrant fixes, the strength of MFA's reaction (and reportedly Thaksin's) should not be dismissed as simply an annual ritual. MFA has been lobbying diligently for months to try to soften the HRR Thailand chapter, and its annual release will continue to create serious bilateral tensions. It remains to be seen whether Thaksin's silence on the HRR will survive the week and his opportunity this Saturday to comment on it during his weekly national radio broadcast. End Comment.

BOYCE